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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/532,509	03/21/2000	Alexander E. Quilici	QUAC0002	6799

22862 7590 11/30/2009

GLENN PATENT GROUP
3475 EDISON WAY, SUITE L
MENLO PARK, CA 94025

EXAMINER
AKINTOLA, OLABODE

ART UNIT	PAPER NUMBER
3691	

NOTIFICATION DATE	DELIVERY MODE
11/30/2009	ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

eptomatters@glenn-law.com

Office Action Summary	Application No.	Applicant(s)	
	09/532,509	QUILICI ET AL.	
	Examiner	Art Unit	
	OLABODE AKINTOLA	3691	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *18 August 2009*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *9-22* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *9-22* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date *7/24/2000*.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

The Declaration filed on 8/18/2009 under 37 CFR 1.131 is sufficient to overcome the Partovi reference.

The terminal disclaimer filed on 8/18/2009 disclaiming the terminal portion of any patent granted on this application which would extend beyond the expiration date of U.S. Patent Number 6,510,417 has been reviewed and is accepted. The terminal disclaimer has been recorded.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. Therefore, the prior art date of the

reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

Claims 9-10, 12-14, 16-21 are rejected under 35 U.S.C. 102(e) as being anticipated by Uppaluru (US 5915001).

Re claims 9, 17-21: Uppaluru teaches a voice controlled transaction service adapted to process transaction over the Internet, the service comprising: a user interface (figs. 1-10, col. 3, lines 48-60, col. 9, lines 37-56, col. 12, lines 30-60); and at least one database coupled to the user interface, the user interface coordinating voice communications with a user, the voice communications including item or service information and transactions associated with the item or service, the at least one database storing item and service information; whereby transactions are executed without the user pressing a button, clicking a mouse, or any other manual input to a computing device (figs. 1-10, col. 3, lines 48-60, col. 9, lines 37-56, col. 12, lines 30-60).

Re claim 10: Uppaluru teaches said service further comprising a network interface coupled to the at least one database, the network interface being configured to access the item and service information over the Internet, process requests related to the item and service information, and carry out transactions involving the identified item or service (figs. 1-10, col. 3, lines 48-60, col. 9, lines 37-56, col. 12, lines 30-60).

Re claim 12: Uppaluru teaches a customer manager configured to record user information associated with user preferences and user behavior related to the service (figs. 1-10, col. 3, lines 48-60, col. 9, lines 37-56, col. 12, lines 30-60).

Re claim 13: Uppaluru teaches wherein the customer manger is configured to provide user information to the user interface such that the user interface may personalize the service for particular users (figs. 1-10, col. 3, lines 48-60, col. 9, lines 37-56, col. 12, lines 30-60).

Re claim 14: Uppaluru teaches an advertising subsystem configured to selectively provide the user interface with advertisements (col. 20, lines 50-69).

Re claim 16: Uppaluru teaches an existent subsystem coupled to the at least one database, the existent subsystem being configured to manage all information into and out of the at least one database (figs. 1-10, col. 3, lines 48-60, col. 9, lines 37-56, col. 12, lines 30-60).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

The factual inquiries set forth in *Graham* **v.** *John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

Claims 15 and 22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Uppaluru

Re claim 15: Uppaluru does not explicitly teach wherein the advertising subsystem provides the user interface with advertisement targeted to particular users based on information about the user. However, Official notice is hereby taken that the concept of targeted advertising based on user profile is old and well known. It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Uppaluru To include this feature for the obvious reason of providing advertisement that are relevant or of interest to the user.

Re claim 22: Uppaluru does not explicitly teach performing comparisons between a plurality of transactions in order to choose an optimal transaction. Official notice is hereby taken that this concept is old and well known. It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Uppaluru to include this feature. Selecting an optimal transaction from the plurality of transactions ensures better efficiency.

Claim 11 is rejected under 35 U.S.C. 103(a) as being unpatentable over Uppaluru in view of Goodman (US 5999929).

Re claim 11: Uppaluru does not explicitly teach a fusion engine configured to compare information obtained from at least one web site and selectively establish canonical data files corresponding to information gathered from multiple web sites.
Goodman teaches a fusion engine configured to compare information obtained from at least one web site and selectively establish canonical data files corresponding to information gathered from multiple web sites (col. 6, lines 7-63). Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to modify Uppaluru to include this feature as taught by Goodman. One would have been motivated to do so for consolidation purposes as specified by a rule.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Iyer et al (US 20020116419) teaches method of converting two dimensional data into canonical representation (abstract, figures, paragraphs 1-4, 10, 11, 34, 22,142-147, and claims 1-10).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to OLABODE AKINTOLA whose telephone number is (571)272-3629. The examiner can normally be reached on M-F 8:30AM -5:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Alexander Kalinowski can be reached on 571-272-6771. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Olabode Akintola/
Examiner, Art Unit 3691